

amendments and subsequent remarks, reconsideration of the above-captioned application is respectfully requested.

Objection to the Title

In **paragraph 1** of the Action, the title of the invention is objected to as not being descriptive. In response, Applicant has amended the title to “A System and Related Methods Facilitating the Identification and Purchase of a Product Over a Data Network”. Applicant respectfully submits that the amended title is descriptive of the invention to which one or more claims are directed. Accordingly, Applicant respectfully requests that the objection to the title, as amended, be withdrawn.

§112, first paragraph rejection of claims 13 and 20-29

In **paragraphs 2 and 3** of the Action, claims 13 and 20-29 were rejected as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In light of the amendment above, wherein claims 13 and 20-29 are cancelled without prejudice, Applicant submits that the §112 (first paragraph) rejection thereof has been rendered moot.

§103(a) Rejections

In **paragraphs 4-6** of the Action, claims 1, 8-12, 14 and 15 were rejected as being obvious over the so-called “TechShopper” (TS) article in view of a patent issued to Dworkin, et al. (USP 4,992,940). In response, Applicant has amended the claims as above. In light of

the foregoing amendments and the following remarks, Applicant submits that claims 1 and 30-71 are patentable over the TechShopper reference in view of Dworkin.

The TechShopper Reference

The TechShopper reference (*PCAgent and CMP Partner to Launch TechShopper*, published April 22, 1997, by the PR Newswire Association, Inc.) is generally drawn to a web-based shopping service. As disclosed, TechShopper is comprised of a PC Consultant component and a PCAgent component. One feature of the PC Consultant component of the TechShopper service is a Custom Quote Request and Response Service. Although the TechShopper reference fails to provide an enabling disclosure of this feature, it does provide that the Custom Quote Request and Response Service “instantly broadcasts the buyer’s custom quote request to their selected vendors.” That is, the TechShopper service merely discloses a manual vendor selection system, wherein the user must identify seller(s) to which the custom quote request is directed.

The Dworkin Reference

The Dworkin reference is generally drawn to a system and method for automated selection of equipment for purchase through input of user desired specifications. More particularly, the Dworkin reference teaches a centralized system wherein vendors (9a-d) feed product information into a centrally accessible database (3). Users can access and search the database (3) to identify product(s) based on price, vendor, specifications and/or availability. The Dworkin reference is introduced in the Action as providing a system wherein select seller information is made available to users in their search for a particular product/vendor.

Independent Claims

In contrast to the TechShopper and/or Dworkin references, amended claim 1 is directed to a method comprising:

receiving a set of product attributes denoting a customer's desired product configuration;
transmitting a request for quote (RFQ) to an automatically selected set of sellers, the RFQ including the customer's desired configuration; and
notifying the requesting customer upon receipt of quotes in response to the transmitted RFQ.

That is, amended claim 1 includes the feature wherein RFQs are transmitted to an automatically selected set of seller(s) from a plurality of available seller(s) (see, e.g., page 7, lines 9-10; page 7, line 31 through page 8, line 9; page 10, lines 4-25; page 13, lines 8-9; and associated Figs.). Applicant respectfully submits that neither the TechShopper reference nor the Dworkin reference disclose or suggest the feature of automatically selecting a set of seller(s) to which a custom RFQ is sent, as presented in amended claim 1.

Rather, as introduced above, the TechShopper reference merely discloses that the Custom Quote Request and Response Service “[I]nstantly broadcasts the buyer’s custom quote request to their selected vendors.” In this regard, the manual vendor selection process of the TechShopper reference actually teaches away from the automated selection of sellers as claimed in amended claim 1. Moreover, inasmuch as the reference is particularly devoid of enabling detail, Applicant submits that one skilled in the art reading the TechShopper service would not be motivated by the reference to extend or alter the explicit teachings of the TechShopper reference in this regard. Accordingly, Applicant respectfully asserts that the TechShopper reference fails to disclose or suggest at least the automated seller selection feature of amended claim 1.

As introduced above, the Dworkin reference fails to cure this deficiency of the TechShopper reference. That is, the Dworkin reference is not cited as teaching and does not, in fact, teach automatically selecting a set of seller(s) to which an RFQ is transmitted.

In light of the foregoing, Applicant respectfully submits that neither the TechShopper nor the Dworkin reference, alone or in combination, disclose or suggest that which is claimed in amended claim 1. Thus, Applicant respectfully requests that the §103 rejection of claim 1 be withdrawn.

Similarly, Applicant respectfully submits that claim 56 includes claim elements similar to those discussed above in amended claim 1 and is, therefore, likewise patentable over the TechShopper and Dworkin references employing arguments analogous to those presented above.

Dependent Claims

In **paragraphs 6-15**, dependent claims 2-19 and 21-28 were rejected as being unpatentable over at least the TechShopper and Dworkin references, with selective claims being rejected in view of the TS and Dworkin references in further view of one or more patent(s) issued to LaLonde et al. (USP 5,283,731), Willis et al. (USP 5,515,269), Green et al. (USP 6,041,310) and/or Walker (USP 5,794,207). In response, Applicant submits that the cancellation of such claims, without prejudice renders such rejections moot.

Moreover, Applicant respectfully asserts that such references were not cited as curing and do not, in fact, cure the deficiencies identified above in the TechShopper and/or Dworkin references. Accordingly, Applicant respectfully submits that amended claim 1 and new claim

56 are patentable over the TechShopper and Dworkin references in view of one or more of the LaLonde, Willis, Green and/or Walker references.

Accordingly, by virtue of at least their dependence on patentable base claims 1 or 56, Applicant respectfully submits that claims 30-55 and 57-71 are likewise patentable over the foregoing references.

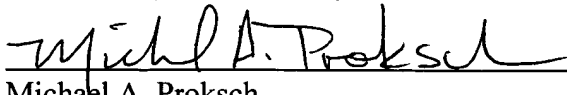
Conclusion

In light of the foregoing amendments and remarks, Applicant respectfully asserts that claims 1 and 30-71 are in condition for allowance, and earnestly awaits notice thereof. **In an effort to expedite prosecution of this matter, the Examiner is invited to call the undersigned counsel for the Applicant to discuss any further issues preventing allowance of the currently pending claims.**

Please charge any shortages and credit any overages to our Deposit Account No. 02-2666.

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Appendix A:

Version of the Specification and Claims with Markings

In the Specification:

On page 1, lines 1 and 2, please replace “Apparatus and Process for Facilitating Customer-driven Sales of Products Having Multiple Configurations” with -- A System and Related Methods Facilitating the Identification and Purchase of a Product Over a Data Network--.

In the Claims:

Please amend the claims as follows:

1. (Amended) A [process using a computer network to facilitate the purchase of a product having multiple configurations, the product being sold by manufacturer-licensed sellers and each product configuration being described by a set of product attributes,] **method** comprising:

receiving a set of product attributes denoting a customer's desired product configuration[configuring a customer's desired product by selecting the customer's desired set of product attributes;

[selecting a target set of sellers in the customer's geographical area, the target set comprising at least one seller];

transmitting a request for quote (RFQ) to **an automatically** [target] **selected** set of sellers, the RFQ including the customer's desired [set of product attributes and the RFQ being transmitted using the computer network to a seller subsystem] **configuration; and**

[responding to the RFQ with a quote from at least one seller from the target set of sellers, the quote being input through the seller subsystem and transmitted using the computer network;

transmitting the quotes to the customer;

selecting for acceptance a price quote that matches the customer's attributes; and transmitting the customer's acceptance to the seller]

notifying the requesting customer upon receipt of quote(s) in response to the transmitted RFQ.

Please cancel claims 2-29, without prejudice.

Please add the following new claims:

30. (New) A method according to claim 1, wherein receiving the set of product attributes comprises:

providing a customer with a graphical user interface (GUI) at an accessible computing system, the GUI comprising one or more modifiable fields and/or pull-down menus through which the customer can selectively assemble the set of product attributes associated with a desired product configuration.

31. (New) A method according to claim 30, wherein the GUI enables a customer to rank each attribute of the set of attributes in accordance with their relative importance to the customer.

32. (New) A method according to claim 1, further comprising:

querying one or more electronic databases of existing product configurations to determine whether a product representing the received set of product attributes is available.

33. (New) A method according to claim 32, further comprising:

receiving a response to the query that a product with the requested set of attributes is not available; and

providing the customer with an indication that the set of attributes is not available.

34. (New) A method according to claim 33, further comprising:
identifying one or more available product configurations that meet at least a subset of the received set of attributes from the electronic database; and
prompting the customer with an opportunity to select one or more of the identified product configurations with which to generate the RFQ.
35. (New) A method according to claim 32, wherein the electronic database contains information from product manufacturers regarding the available set of product configurations.
36. (New) A method according to claim 35, wherein at least a subset of the electronic database(s) are managed by the product manufacturers.
37. (New) A method according to claim 35, wherein at least a subset of the electronic database(s) are populated with product availability information from one or more sellers.
38. (New) A method according to claim 1, wherein transmitting the RFQ comprises:
confirming that a product representing the received set of product attributes is manufactured;
generating the RFQ using the received set of product attributes, if available; and
selecting a subset of sellers from the plurality of sellers to which the generated RFQ is transmitted based, at least in part, on user attribute(s) associated with the requesting customer.
39. (New) A method according to claim 38, wherein the user attribute(s) include one or more of a geographic location of the customer, shipping preferences of the customer, and/or delivery location(s) of the customer.
40. (New) A method according to claim 38, wherein selection of the subset of sellers is based, at least in part, on seller attribute(s).

41. (New) A method according to claim 40, wherein seller attribute(s) include one or more of a geographic location of the seller, product availability, product affiliation, and/or prior sales performance history of the seller.

42. (New) A method according to claim 38, further comprising:
generating the RFQ using a modified set of product attributes if the received set of attributes are not available.

43. (New) A method according to claim 1, wherein notifying the customer comprises:
receiving one or more quotes from sellers in response to the transmitted RFQ;
identifying one or more of the received quotes that meet a largest subset of the set of product attributes and a largest subset of user attributes; and
transmitting the identified one or more quotes to the customer.

44. (New) A method according to claim 43, wherein transmitting the identified quote(s) comprises one or more of sending an electronic mail (eMail) message including at least a subset of the quote(s) to the customer, faxing at least a subset of the quote(s) to the customer, and/or providing a customer computing device with instructions to generate a graphical user interface including at least a subset of the received quote(s).

45. (New) A method according to claim 1, wherein notifying the customer is performed using one or more of a telephone, electronic mail (eMail) message and/or a facsimile transmission.

46. (New) A method according to claim 1, further comprising:
receiving an indication of acceptance of at least one of the received quotes from the customer; and
notifying a seller associated with the accepted quote of the acceptance to facilitate purchase of the product.

47. (New) A method according to claim 46, wherein notifying the seller associated with the accepted quote is performed using one or more of a telephone, electronic mail (eMail) message and/or a facsimile transmission.

48. (New) A method according to claim 1, wherein the received set of product attributes are received from an authenticated buyer on behalf of the requesting customer, wherein the authenticated buyer provides an indication, either explicit and/or implicit, that the customer has funds available to complete the purchase.

49. (New) A method according to claim 48, wherein the authenticated buyer is the customer.

50. (New) A method according to claim 48, wherein the authenticated buyer is one of a banking institution, lending institution, product representative associated with a manufacturer of the product, and/or a re-seller of the product.

51. (New) A method according to claim 48, wherein an indication that the set of attributes was received from the authenticated buyer denotes to the seller(s) that the customer is ready, willing and/or eligible to complete the purchase.

52. (New) A method according to claim 1, further comprising:
tracking a status of the transmitted RFQ's to selectively provide a customer with an update of the status of their request.

53. (New) A method according to claim 52, wherein the update is selectively provided on at least one of a periodic basis, upon a request from the customer, and/or upon receipt of status notifications received from one or more of the seller(s).

54. (New) A method according to claim 1, wherein the product is an automobile, and the seller(s) are individual automobile dealers.

55. (New) A storage medium comprising a plurality of machine executable instructions which, when executed by an accessing machine, cause the machine to implement a method according to claim 1.

56. (New) A computing system comprising:

a memory system having stored therein a plurality of executable instructions; and

a processor system, coupled to the memory system, to access and execute at least a subset of the plurality of executable instructions to receive a desired set of product attributes from a requesting customer, to transmit a request for quote (RFQ) dynamically generated from the received set of product attributes to an automatically selected set of sellers, and to notify the requesting customer of the receipt of one or more quotes in response to the transmitted RFQ's.

57. (New) A computing system according to claim 56, further comprising instructions to transmit executable instructions to a customer accessible computing device to provide the customer with a graphical user interface (GUI), the GUI comprising one or more modifiable fields and/or pull-down menus through which the customer can selectively assemble the set of product attributes associated with a desired product configuration.

58. (New) A computing system according to claim 57, wherein the GUI includes field(s) to enable the customer to rank each attribute of the set of attributes in accordance with their relative importance to the customer.

59. (New) A computing system according to claim 56, further comprising instructions to query one or more electronic databases of existing product configurations to determine whether a product representing the received set of product attributes is available.

60. (New) A computing system according to claim 59, further comprising instructions to provide the customer with an indication that the requested set of attributes is not available upon receiving a response a negative response to the query.

61. (New) A computing system according to claim 60, further comprising instructions to identify one or more available product configurations that meet at least a subset of received set of attributes, and to prompt the customer with an opportunity to select the identified product configuration(s) with which to generate the RFQ(s).

62. (New) A computing system according to claim 56, wherein the instructions to transmit the RFQ includes instructions to confirm that a product representing the received set of product attributes is available, generate the RFQ using the received set of attributes, and to select a subset of sellers from the plurality of sellers based, at least in part, on user attribute(s) associated with the requesting customer.

63. (New) A computing system according to claim 62, wherein the user attribute(s) include one or more of a geographic location of the customer, shipping preferences of the customer, and/or a delivery location of the customer.

64. (New) A computing system according to claim 62, wherein selection of the subset of sellers is based, at least in part, on seller attribute(s).

65. (New) A computing system according to claim 64, wherein seller attribute(s) include one or more of a geographic location of the seller, product availability, product affiliation, and/or prior sales performance history of the seller.

66. (New) A computing system according to claim 65, further comprising instructions to develop a sales performance history of a seller based, at least in part, on prior transactions.

67. (New) A computing system according to claim 62, further comprising instructions to generate the RFQ using a modified set of product attributes if a product representing the received set of attributes are not available.

68. (New) A computing system according to claim 56, wherein the instructions to notify the customer comprise instructions to receive one or more quotes from seller(s) in response to the transmitted RFQ, to identify one or more of the received quotes that meet a largest subset of the set of product attributes and a largest subset of user attributes, and to transmit identified quote(s) to the customer.

69. (New) A computing system according to claim 56, further comprising instructions to receive an indication of acceptance from the customer of at least one of the received quote(s), and to notify the seller associated with the accepted quote of the acceptance to facilitate purchase of the product.

70. (New) A computing system according to claim 56, further comprising instructions to indicate on the RFQ that the set of attributes was received from a customer through an authenticated buyer.

71. (New) A computing system according to claim 56, further comprising instructions to track a status of the transmitted RFQ's, and to selectively provide a customer with an update of the status of their request.